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SUBJECT: SEOUL - PRESS BULLETIN; JANUARY 21, 2010

TOP HEADLINES

Chosun Ilbo, Dong-a Ilbo, Hankook Ilbo,
Hankyoreh Shinmun, All TVs
Court Declares "PD Diary" Not Guilty
on Mad Cow Disease Report

JoongAng Ilbo, Segye Ilbo, Seoul Shinmun
Judiciary, Ruling Circles on Collision Course
over Controversial Court Rulings

DOMESTIC DEVELOPMENTS

A Seoul court yesterday cleared five production staffers of MBC TV's investigative program, "PD Diary," of charges of defaming government officials with false reports on the safety of U.S. beef and the risk of mad cow disease. The ruling runs counter to an earlier finding by the Seoul High Court. (All)

The prosecution responded that the ruling did not make sense and that it will immediately file an appeal. (All)

This ruling is likely to add fuel to an already escalating political dispute over a series of recent "not-guilty" rulings for urban poor activists, a leftist lawmaker and unionized teachers. (All)

Defense Minister Kim Tae-young, in a Jan. 20 forum, said that Seoul would launch an immediate preemptive attack if it detects signs of possible nuclear aggression from North Korea. He also said that the transfer of wartime operational control from the U.S. to the ROK is a political promise between the two countries, so delaying the date of the transfer must be decided at a political level between the two countries. (JoongAng, Dong-a, Hankook, Seoul)

INTERNATIONAL NEWS

According to Radio Free Asia, the USG, via the Swedish Embassy in Pyongyang, is seeking consular access to a U.S. citizen (believed to

be Korean American missionary Robert Park) held in North Korea for illegally entering the North. (Chosun)

The (ROK) National Human Rights Commission, in a Jan. 20 report, said that an estimated 200,000 people are believed to be held at political prisoners' camps in North Korea and that those inmates are under constant threat of public execution, rape and torture. (All)

MEDIA ANALYSIS

-Haiti

The media continues to follow the situation in Haiti, which was struck again yesterday by a strong 6.1 magnitude quake.

Conservative Chosun Ilbo carried an inside-page article entitled "U.S. Troops Take Control of Presidential Palace... Relief Operation? Military Operation?" It said: "Since the U.S. military's action looks like a military operation, some Haitians and people in Europe and South America are wondering if U.S. troops are occupying forces. Foreign news outlets in Haiti reported that the U.S. military's control of the area surrounding the presidential palace has sparked anger among patriotic Haitians."

Right-of-center JoongAng Ilbo, in an article titled "Another Magnitude-6.1 Strong Quake; Haiti Afflicted with Fear" and sub-headed "U.S. Sends Fully Armed Helicopters; 'Takes Over'

SEOUL 00000083 002 OF 008

Presidential Palace," observed: "France, which once criticized massive U.S. troops deployed in Haiti as an occupying force, has taken a step backward. French President Nicolas Sarkozy said that he has respect for the USG's swift action.... Some Haitians are protesting U.S. troops' control of the presidential palace. A resident expressed his discomfort, saying, 'The presidential palace is the face and pride of Haiti, but the U.S. troops have taken it over.'"

OPINIONS/EDITORIALS

SECOND ROUND OF U.S.-NORTH KOREA BILATERAL TALKS NEEDED
(Hankook Ilbo, January 21, 2010, Page 39; Excerpts)

By Kim Yong-hyun, professor of North Korean studies at Dongguk University

The U.S. and North Korea should consider having the second round of the bilateral talks. For an early resumption of the Six-Party Talks, U.S. and North Korean officials need to have a candid and sincere dialogue to narrow differences between both sides. This time, North Korea's First Vice Foreign Minister Kang Sok-ju or Vice Foreign Minister Kim Kye-gwan would be well advised to visit New York or Washington. Pyongyang should push for the visit to clearly show the international community its determination to resolve the nuclear issue.

At the bilateral talks, both sides should not end their discussions until they settle differences over the lifting of sanctions against North Korea and its return to the Six-Party Talks. At the second round of the bilateral talks, it is not right for the North to unilaterally demand the lifting of sanctions before its return to the Six-Party Talks or for the U.S. to pressure the North to rejoin the multilateral talks (with nothing in return.) Negotiation is a give-and-take process. If the U.S. and the North are determined to resolve the North Korean nuclear issue, they should take bold action in a give-and-take manner. The U.S. and North Korea should find a compromise solution through a comprehensive approach.

RIDICULOUS RULING

(Dong-a Ilbo, January 21, 2010, Page 35)

A court yesterday cleared staff members of the MBC investigative news program "PD Diary" of distorting U.S. beef safety. Anyone with common sense must reject the ruling, however. Judge Mun Sung-gwan of the Seoul Central District Court acquitted them on the charge of defaming public officials including former Food, Agriculture, Forestry and Fisheries Minister Chung Woon-chun, saying, "Though part of the program was exaggerated, the gist was in line with facts. So it cannot be seen as distortion."

In the first and second trials of the staff, however, a civil court found that the program did fabricate facts. The civil court said the program distorted information when it said "Downer cows are likely to be infected with mad cow disease" and "The possibility of Koreans being infected with human mad cow disease is 94 percent," and ordered MBC to air a correction.

A criminal court can focus more on a crime's motive, but there not be a difference between the opinions of civil and criminal courts over judgment of fact. The distorted report by PD Diary, which aired April 29, 2008, runs counter to the finding of the World Organization for Animal Health over U.S. beef safety. It is perplexing that a judge from a lower criminal court ignored the civil court's ruling.

On the program's staff members role in plunging the country into mass confusion, Mun said, "They made the program based on a wealth of evidence, including the opinions of experts at home and abroad." The judge did not question their mistakes, however, including the program's erroneous labeling of a downer cow as having mad cow

SEOUL 00000083 003 OF 008

disease in a video clip created by an animal rights advocacy group to raise public awareness of animal abuse. He also ignored their failure to include in the report the opinions of authoritative organizations and experts on mad cow disease.

The Seoul High Court ruled that the distorted report undermined the public's trust in, and reputation of, the Food, Agriculture, Forestry and Fisheries Ministry. To decide whether an act is punishable, a court must prove that it was conducted with "real malice." Mun's conclusion is unconvincing, however, since he said the report cannot be seen as a distortion and that the ministry's reputation and trust were not tainted.

Public confusion has ensued amid a spate of court rulings that defy common sense. In an unprecedented move Monday, the Korean Bar Association criticized the acquittal of Kang Ki-kap, leader of the Democratic Labor Party, of obstruction of government duties. The court ruling said, "The logic applied to court rulings should be consistent with laws and common sense." To this, Supreme Court Chief Justice Lee Yong-hoon said, "I will protect the independence of the judiciary." This could be interpreted that such criticism by the association undermines the court's independence. Nobody believes, however, that the Korean judiciary will be affected by such criticism. Illogical rulings that contradict common sense are more dangerous than a dictatorship. The rule of law will be upheld only when the judiciary makes sound judgments.

(This is a translation provided by the newspaper, and it is identical to the Korean version.)

PD DIARY VERDICT EXPOSES CONTINUED POLITICIZED PROSECUTION
(Hankyoreh Shinmun, January 21, 2010, Page 31)

A not-guilty verdict has been handed down for all members of the production team for the MBC show "PD Diary," which aired a segment reporting on the dangers of mad cow disease from U.S. beef. The court ruled that the show's report cannot be viewed as deliberately misleading, and that it could not accept the prosecutors' claims that the operations of beef importers were disrupted and the reputations of the negotiating government officials were defamed as a result of the report. This is a reasonable verdict. The "PD Diary" case never could or should have been the subject of an investigation, let alone a lawsuit. The court's ruling set straight the prosecutors' insistence on ignoring the Constitution and the

law.

In its verdict, the court dismissed prosecutors' claim that "PD Diary" aired an intentionally misleading report. The court ruled that in consideration of measures taken at the time in the U.S. out of concerns about mad cow disease, as well as the opinions of experts, the content of the show's report was mostly true and, even if certain details were exaggerated, they could not be taken as intentionally misleading. The prosecutors took certain translation errors or misunderstandings of the facts and acted as though the overall "PD Diary" report was distorted, but none of their charges was accepted by the court. Even the credibility of the prosecution's main witness was not recognized, as the witness admitted to lying in court.

This was the result expected for this court case. Following the mad cow disease segment in April 2008, prosecutors set up a special investigation team to pressure "PD Diary," but even among their ranks, a number (of prosecutors) were saying that the investigation was unreasonable. The head prosecutor of the investigation team resigned, claiming that the show's actions could not be seen as a crime. After proceeding with their unreasonable investigation, which included a search and seizure conducted at MBC, the prosecutors did eventually press charges, but many speculated that the indictment was really intended only to attack the reporters, or as an object lesson to pressure media outlets to back off of their critical reports. Another factor weighing into the farfetched prosecution was the strategic involvement of the government and conservative newspapers, which sought to blame the "distorted

SEOUL 00000083 004 OF 008

reporting" of "PD Diary" for the popular sentiments expressed during the candlelight vigil demonstrations. That attempt came crashing down with this court ruling.

The verdict is also significant in that it reaffirms the nature of press freedoms. The court stated that the show's criticism of the beef negotiations falls under the category of freedom of reporting, a major component of press freedoms. It also ruled that criticism of government policy should not be construed as having lowered the social position and authority of government officials. The Supreme Court has already ruled that a considerable degree of criticism of government policy is allowed for the sake of constitutionally guaranteed press freedoms. In so ruling, it clarified that critical reporting is a social duty and right of the press. As a result, the prosecutors' petty logic of trying to prevent critical reporting by forcibly construing the criticism of policy as libel against individual public officials lost any credibility. Also confirmed with this ruling is the fact that the Lee Myung-bak Administration's attempt to control the media is illegal and in defiance of the Constitution.

Rather than taking this ruling as an excuse to criticize and protest against the courts, the prosecutors should instead take it as an opportunity for reflection. The reason they have encountered so many not-guilty verdicts in recent cases that have been the subject of political and social attention is because they have continued to bring farfetched cases before the court with a disregard even for legal logic. Some people even charge that when the prosecutors bring lawsuits even in cases where it is difficult to argue that a crime was committed, their intent is political harassment. Even the heated disagreement between the prosecutors and courts, when you get down to it, is a result of this shameful behavior by political prosecutors.

(This is a translation provided by the newspaper, and it is identical to the Korean version.)

"PD DIARY" RULING SHOULD NOT BE SEEN FROM IDEOLOGICAL PERSPECTIVE
(Hankook Ilbo, January 21, Page 39)

A court yesterday cleared five "PD Diary" staffers of defaming government officials with false reports on the safety of U.S. beef. The court said in the ruling, "The contents of the program were within the boundaries of freedom of press."

For some people in the ROK, this comes as an unexpected ruling. Prosecutors must have found the ruling unacceptable or even shocking because they had strongly claimed that MBC staff members deliberately exaggerated and fabricated facts about the safety of U.S. beef.

However, the ruling should be respected as such. We should not insult the judge or denounce the ruling based on individual ideology or judgment. We also should not overestimate the decision. The prosecutors can appeal if they do not accept the ruling.

We are worried that some people will try to use this ruling as a catalyst to escalate our society's ideological conflicts. However, the ruling did not depart from existing decisions by the Supreme Court, in which the media's critical stance in reporting on the government policy is considered part of its social responsibility and rights. Even though the "PD Diary" report led to candlelight vigils and ignited conflicts between conservatives and leftists, its ruling is not different from existing decisions on other cases involving media reports. The ruling should not be viewed from an ideological perspective.

On the contrary, we should note that "judicial independence" is being upheld and the ruling is made based on law and conscience regardless of circumstances. In addition, the ruling should pave the way for the media to take responsibility as well as provide a fair and balanced report.

SEOUL 00000083 005 OF 008

WHERE WAS JUDGE MUN WHEN SCHOOLGIRLS TOOK TO STREETS?
(Chosun Ilbo, January 21, Page 39)

Five Munwha Broadcasting Corporation production staffers were acquitted of charges that they defamed government officials with false reports on the safety of U.S. beef and the risk of mad cow disease.

In April 29, 2008, "PD Diary" reported that "downer" cows are likely to be infected with mad cow disease. The program also claimed that Koreans were genetically susceptible to the disease. Moreover, when describing the case of Aretha Vinson, a woman who died of Creutzfeldt Jakob Disease (CJD), the program misinterpreted the term CJD as vCJD (the human form of mad cow disease).

There are more than 50 downer symptoms and all downer cows do not have mad cow disease. However, when the program aired a downer cow being dragged to a slaughter house, it misinterpreted an animal activist as saying, "People would not have known that this kind of cow is slaughtered," even though the activist actually said, "Many people would not have known that cows are slaughtered." The program distorted an original quote "Suspected of abusing animals" into "slaughtering a cow suspected of having mad cow disease." But Judge Mun saw these as just "some exaggerations."

This exaggerated and fabricated footage prompted young mothers to take to the streets, and young schoolgirls to join protestors tearfully. However, Judge Mun's ruling was that though some misinterpretation or exaggeration may have occurred, the contents of the program were within the boundaries of freedom of press. We wonder what Judge Mun was doing and where he was in May to August 2008 when the streets were teeming with young mothers and schoolgirls and unknown protestors cried, "Let's go to the Blue House."

FEATURES

COURT ACQUITS 'PD DIARY' STAFFERS IN U.S. BEEF CASE
(JoongAng Daily, January 21, 2010, Front Page)

By Reporter Ser Myo-ja

Five Munwha Broadcasting Corporation production staffers were acquitted of charges that they defamed government officials and obstructed the business of U.S. beef importers by broadcasting a controversial "PD Diary" episode about mad cow disease in 2008.

Prosecutors immediately said they would appeal.

Wrapping up a one-year investigation, prosecutors concluded in June last year that MBC staff members - four producers and a scriptwriter - deliberately created a biased report on the safety of U.S. beef and the risk of mad cow disease and thus defamed then-Agriculture Minister Chung Woon-chun and Min Dong-seok, former Deputy Minister and Chief Negotiator on the U.S. beef import deal.

In acquitting the accused, Seoul Central District Court Judge Mun Sung-gwan, who presided over the single-panel trial, said that their reports cannot be considered false.

"At the time, there were enough reasons to question the risk of mad cow disease and U.S. beef and have doubts about the government's negotiations with the United States to lift the import ban," Mun said. "The reports took into account the opinions of experts and issued criticism based on those. Therefore, it is hard to say that the reports had defamed Chung and others."

The court also acquitted the five of obstructing the business of U.S. beef imports, again saying the reports were not false.

SEOUL 00000083 006 OF 008

The ruling runs counter to two earlier findings by the Seoul Southern District Court and Seoul High Court. In June 2008, the Korea Communications Standards Commission ordered MBC to apologize to viewers for violating fairness and objectivity in the two controversial episodes.

Later, the Seoul Southern District Court and the Seoul High Court ruled that MBC must run corrections concerning the episodes.

"It is a ruling that granted the right to use spin in journalism," Noh Young-bo, a lawyer in the law firm of Bae, Kim & Lee LLC, said of yesterday's acquittal. "It leaves a bad precedent for all future cases about distorted and falsified reports."

"We will immediately file an appeal and correct this matter," said Shin Gyeong-sik, a senior prosecutor who had participated in the investigation. "The evidence submitted to the court clearly showed that the production staffers intentionally distorted facts. The accused and witnesses had also admitted to some of the distortion during the trial. And yet the court said the reports were true, and that is not acceptable."

Chung, the former Agriculture Minister who had asked the prosecution to begin the defamation case, also condemned the acquittal.

"Isn't the ruling based on the judge's personal standards, rather than the law?" Chung said. "If rulings differ between judges, how can people trust the judiciary, the last stronghold of democracy?"

But Cho Neung-hee, the chief producer of the two mad cow disease episodes, welcomed the ruling.

"It is the duty of the press to criticize and monitor those with power," he said. "I don't think the acquittal means the end of our pain. As long as the administration continues, our agony will continue, but we will endure it."

MBC did not officially issue a position on the acquittal.

The Lee Administration reacted cautiously. "Our silence should speak for our position," said Park Sun-kyoo, Blue House Spokesman.

Shortly after Seoul and Washington struck a deal to open the Korean market to a wide range of U.S. beef on April 18, 2008, PD Diary aired an episode titled "Emergency Report! U.S. beef, is it really

safe from mad cow disease?" and ran a sequel two weeks later.

The reports prompted massive nationwide public demonstrations, which later turned into an anti-Lee Administration campaign. At the same time, criticism grew that MBC workers distorted facts, deliberately mistranslated and exaggerated threats of mad cow disease in relation to U.S. beef.

The nation was split over yesterday's acquittal. "Even if criticism toward the government's policy decisions has some factual errors, it should be allowed when the errors are not intentional," said Ahn Jin-geol of People's Solidarity for Participatory Democracy. "The Lee Administration tries to punish those critical of the government at all cost, and the ruling shows that such an attempt won't work."

"Press freedom was taken to the court in a criminal proceeding, and that is an act of infringement upon the media's rights," said Goh Gyeo-hyeon of the Citizens' Coalition for Economic Justice. "The government and the prosecution must learn a lesson."

But Kim Jin-su, spokesman of the New Right Union, disagreed.

"MBC had internally admitted that the reports were distorted and exaggerated, and the entire nation suffered because of it," Kim said. "But the court made a ruling that will confuse people's understanding of the law."

SEOUL 00000083 007 OF 008

ANOTHER MAGNITUDE-6.1 STRONG QUAKE; HAITI AFFLICTED WITH FEAR
(JoongAng Ilbo, January 21, 2010, Page 12; Excerpts)

By Port-au-Prince Correspondent Chung Kyung-min and Reporters Choi Ik-jae and Kim Han-byul

U.S. Sends Fully Armed Helicopters; 'Takes Over' Presidential Palace

The U.S. forces take control of Haiti's presidential palace.

To date, the U.S. has deployed a total of 11,000 troops, including 2,200 Marines, to Haiti. It also dispatched USNS Comfort, the hospital ship equipped with operating rooms and beds, to the earthquake-ravaged nation to treat the injured. The Comfort has a medical staff of 600, 12 operating rooms and 250 beds. Other countries have also started providing aid in earnest. Canada sent two warships and 2,000 soldiers to the towns of Jacmel and Leogane, south of the capital. Italy, Spain, and Venezuela also plan to dispatch Navy vessels. The UN Security Council has decided to send another 3,500 troops in addition to 9,000 peacekeeping forces already serving in Haiti.

France, which once criticized massive U.S. troops deployed in Haiti as an occupying force, has taken a step backward. French President Nicolas Sarkozy said that he has respect for the USG's swift action.

However, anti-U.S. President of Venezuela Hugo Chavez is still expressing concern about the U.S.'s large-scale troop deployment to Haiti. He recently said, "The U.S. is trying to occupy Haiti on the pretext of relief aid. The U.S. is an imperialist nation."

Some Haitians are protesting U.S. troops' control of the presidential palace. A resident expressed his discomfort, saying, "The presidential palace is the face and pride of Haiti, but the U.S. troops have taken it over."

U.S. TROOPS TAKE CONTROL OF PRESIDENTIAL PALACE... RELIEF OPERATION?
MILITARY OPERATION?
(Chosun Ilbo, January 21, 2010, Page 14; Excerpts)

By Reporter Chung Byung-sun

Since the U.S. military's action looks like a military operation, some Haitians and people in Europe and South America are wondering

if U.S. troops are occupying forces. Foreign news outlets in Haiti reported that the U.S. military's control of the area surrounding the presidential palace has sparked anger among patriotic Haitians.

However, the Center for Strategic and International Studies (CSIS) says that the U.S.'s involvement in overseas natural disasters is a "40-year-long humanitarian tradition." Since the Bhola cyclone in East Pakistan (present-day Bangladesh) in 1970, the U.S. has considered (its commitment to natural disasters) beneficial to its national interest, which is also stated in the 2006 Quadrennial Defense Review (QDR). This is based on the judgment that in a disaster-stricken area, the military is more systematic and effective in carrying out a relief operation than any other group. In fact, the 2006 QDR places "stabilization" activities for humanitarian purposes on an equal footing with war fighting. The U.S.'s Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) also says in its manual that relief efforts in a disaster-hit area overseas are linked with the Department of Defense.

IF THREATENED BY NUKES, SOUTH WOULD STRIKE FIRST
(JoongAng Daily, January 21, 2010, Front Page)

By Reporter Lee Min-yong

Upon detecting signs of an impending North Korean nuclear strike against South Korea, South Korea would launch an immediate pre-emptive attack, South Korean Defense Minister Kim Tae-young said yesterday.

SEOUL 00000083 008 OF 008

South Korea could be crippled if the reclusive North strikes first with nuclear bombs, Kim said in an opening speech of the annual Northeast Asia Future Forum, which was held at the Westin Chosun Hotel in central Seoul.

The forum was co-hosted by JoongAng Ilbo and the Hyundai Research Institute.

"Even though controversy over the legality of launching pre-emptive strikes exists, there is a theory that allows a first strike against the North before it can make a nuclear attack," Kim said.

"If it is not a situation where we can strike back after we are attacked, we have no choice but to strike first. We have no choice but to do so if the North shows an obvious intention to attack with its nuclear weapons," Kim added.

The minister earlier enraged the North when he mentioned a pre-emptive strike against the North during confirmation hearings as a nominee for South Korean chairman of the Joint Chiefs of Staff in [2008](#).

Kim also said the recent controversy over delaying the date of the transfer of wartime operational control from the United States to South Korea is a matter that must be decided at a political level between the two countries since it is a promise made between the two nations, adding, "The transfer issue is not one to be tackled only by the South Korean government but by an intergovernmental political agreement." Kim said that both President Lee Myung-bak and the Defense Ministry are pondering the transfer issue.

He also stressed, "In the worst situation, the wartime operational control would be handed over (to the ROK) in 2012, but the military prepares for the worst."

The minister said the transfer does not mean a withdrawal of U.S. forces.

"U.S. forces in South Korea are likely to be redeployed to other areas, including Pyeongtaek and Osan (in Gyeonggi) and Daegu, by the end of 2017 at the latest. But the number of U.S. troops will be maintained at around 28,500," Kim said. "Since more than a half of U.S. soldiers will be assigned to stay in South Korea for three years with their families, the U.S.'s assistance to South Korea will

be reinforced."

Kim said South Korea and the U.S. have been strengthening combined surveillance capabilities on the North's military status and movements.

He vowed to immediately respond to provocation from the North, such as the naval clash near Daechong Island on the west coast last Nov. 14.

"It is difficult to predict, but there is a possibility that the Six-Party Talks (aimed at dismantling the North Korean nuclear program) could be resumed following the progress in dialogue between the U.S. and the North," the minister said. "North Korea is using both conciliatory and belligerent rhetoric. We need to maintain a strong stance toward Pyongyang while holding the door open to dialogue."

STEPHENS